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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,557	01/25/2000	Clifton E. Scott	QCPA990422	7293

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,557

Applicant(s)

SCOTT, CLIFTON E.

Examiner

Marceau Milord

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US Patent No 6405033 B1) in view of Brilla et al (US Patent No 6389276 B1).

Regarding claims 26-28, Kennedy et al discloses a method of responding to a call in a wireless communication device (fig. 1) comprising: accepting (12 of fig. 1) an incoming call (col. 1, lines 53-64); displaying (22 of fig. 1) the source of the call (col. 2, lines 41-53; col. 3, lines 54-67; col. 4, lines 12-22); detecting (38 of fig. 1) a first input (col. 4, lines 32-45); responding to the first input by providing a prerecorded message in response to the incoming call (col. 4, lines 55-col. 5, line 47; col. 6, lines 34-45; col. 9, lines 49-65; col. 26, lines 35-65; col. 29, lines 43-60).

However, Kennedy does not specifically disclose the steps of accepting a second input to terminate the prerecorded message and answer the call.

On the other hand, Brilla et al, from the same field of endeavor, discloses a system for remote notification of new voicemail messages stored in a voicemail system to a wireless mobile telephone. The command, received by the wireless mobile telephone, causes the wireless mobile telephone to activate a message-waiting indicator that notifies the voicemail and wireless mobile

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telephone subscriber of the new voicemail message (col. 5, line 41- col. 6, line 23; col. 7, lines 50-62; col. 9, lines 54-67; col. 10, lines 19-54). The message platform 112 is configured for generating a notification message to the digital wireless telephone network 120 serving mobile unit 122, where the mobile unit 122 is used by the voice subscriber. In addition, the message platform 112 can detect the notification request sent by the voicemail system 110 to the PBX 102 for illumination of the message-waiting indicator 112 (col. 9, line 61- col. 11, line 44). Since the wireless network 120 has the capability to transmit command to the digital telephone 122, and it also includes a short message service server 130, it is considered that the digital telephone 122 can be placed automatically in a call delay-answering mode when it receives the command from the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Brilla to the communication system of Kennedy in order to allow a user the flexibility to receive conveniently an incoming wireless telephone call.

Regarding claim 29, Kennedy et al as modified discloses a method of responding to a call in a wireless communication device (fig. 1) wherein providing a prerecorded message in response to the incoming call further comprises selecting the prerecorded message from a plurality of prerecorded messages dependant on the source of the call (col. 4, lines 51-65; col. 6, lines 34-45; col. 14, lines 28-64).

Regarding claim 30, Kennedy et al as modified discloses a method of responding to a call in a wireless communication device (fig. 1), wherein displaying the source of the call further comprises: using Caller ID information to determine the source of the call; and displaying

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information related to the Caller ID information (col. 5, lines 6-15; col. 4, lines 12-40; col. 13, lines 20-65).

***Response to Arguments***

Applicant's arguments filed on 12-17-2002 have been fully considered but they are not persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703- 306-3023. The examiner can normally be reached on Monday-Thursday 10-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703- 872-9314 for regular communications and 703- 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
MARCEAU-MILORD

March 9, 2003

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600